

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TRAVIS GLENN,

Plaintiff,

v.

TRIDENT SEAFOOD COMPANY,

Defendant.

CASE NO. C20-1583 MJP

ORDER DENYING MOTION TO  
APPOINT COUNSEL

This matter comes before the Court on the Plaintiff's Second Motion to Appoint Counsel. (Dkt. No. 71.) Having reviewed the Motion and Defendant's response, the Court DENIES the Motion.

"[T]here is 'no constitutional right to counsel in a civil case.' Adir Int'l, LLC v. Starr Indem. & Liab. Co., 994 F.3d 1032, 1038–39 (9th Cir. 2021). But under 42 U.S.C. § 2000e5(f)(1), '[u]pon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security.' 'Three factors are

1 relevant to the trial court's determination whether to appoint counsel: (1) the plaintiff's financial  
2 resources; (2) the efforts made by the plaintiff to secure counsel on his own; and (3) the  
3 meritoriousness of plaintiff's claim." Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266,  
4 269 (9th Cir. 1982).

5       Considering the three factors set out in Ivey, the complaint, and the Plaintiff's motion, the  
6 Court finds appointment of counsel to be inappropriate. First, though Plaintiff has been granted  
7 status to proceed *in forma pauperis*, the case could be taken on a contingency basis by an  
8 attorney. Second, Plaintiff has not demonstrated that he has attempted to reach out to any  
9 attorneys after his previous court appointed counsel withdrew. Finally, though Plaintiff's  
10 allegations are significant, this factor alone is not enough to convince the Court to appoint an  
11 attorney. Plaintiff previously had counsel, it appears he is able to understand the proceedings  
12 well enough to proceed pro se and a second search for counsel would delay the trial and  
13 prejudice the Defendant.

14       The clerk is ordered to provide copies of this order to all counsel.

15       Dated June 9, 2022.

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17 Marsha J. Pechman  
18 United States Senior District Judge  
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